

REMARKS

In the Restriction Requirement mailed March 16, 2007, the Examiner has restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-30 and 42-46, drawn to a hearing apparatus comprising a housing, classified in class 381, subclass 328.
- II. Claims 31-41, drawn to a method of assembling a hearing apparatus, classified in class 29, subclass 896.21.

Applicant elects, with traverse, Group I (claims 1-30 and 42-46). It is respectfully submitted that claims 31 to 41 present no undue search burden. However, should the Office maintain the restriction, Applicant will cancel the claims of Group II without prejudice or disclaimer, and reserve the right to reintroduce them in one or more divisional applications at a later date.

Applicant elects the species A which includes a "hearing apparatus comprising a housing, a cover, a signal processing electronics, a microphone housing, a receiver and a fastener (figure 4A)." Applicant respectfully submits that claim 1 is generic to both embodiments and is believed to be allowable and traverses the species election for at least that reason. To meet the requirement of 35 U.S.C. 121, Applicant believes that at least claims 1-19 and 42-46 read on species A.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/824,775

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Title: METHOD AND APPARATUS FOR MODULAR HEARING AID

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Dkt: 899.087US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6912 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

STARKEY LABORATORIES, assignee of record

By its Representative,

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Date July 23, 2007

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CERTIFICATE UNDER 37 CFR 1.8. The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23rd day of July 2007.

CANDIS BUENDING

Name

Signature

